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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/864,658

Applicant(s)

EUBANKS, CURTIS

Examiner

Harun M. Yimam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/20/2006 have been fully considered but are not persuasive.
2. In response to applicant's argument (page 8, 2nd paragraph) that the cited portions of Clemens relied upon by the Examiner do not appear to disclose the features of claim 1, applicant should note that Clemens is only introduced to teach the extract command (capture command—column 10, lines 52-65), which conforms to a 1394 specification (column 4, line 64 – column 5, line 5) and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium (column 10, lines 52 – column 11, line 38).
3. In response to applicant's argument (page 8, 2nd paragraph) that Clemens does not appear to disclose that the captured still image is extracted from a video stream in a recorded medium, applicant should note that Clemens explicitly discloses that said camera is a digital camera that has video mode for video streaming and that it's stored in the camera's internal RAM i.e., recorded medium (column 4, line 64 – column 5, line 5 and column 10, lines 52 – column 11, line 38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo (US 2003/0088646) in view of Takeda (US 6,101,215) and further in view of Clemens (US 6,833,863).

Considering claims 1 and 8, Yeo discloses a first information processor (102 in figure 3) connectable to a network (104 in figure 3) with another information processor (100 in figure 3) having a record medium (302 in figure 3) recorded with a video stream (movie—paragraph 0022, lines 1-4), the first information processor comprising: a command generator (308 in figure 3) operable to generate an object number select subfunction command, which conforms to a standard (when a user sends a request, a command is inherently generated—paragraph 0023, lines 8-11 and paragraph 0038, lines 8-12) and which requests the another information processor to extract a specified video frame (segments of a movie) from the video stream recorded in the record medium (paragraph 0020, lines 1-7 and paragraph 0022, lines 1-8), to covert the video frame which has been extracted into still image data (extracted temporal snapshots are

sequence of images that inherently converted into still image data before transmission to client—paragraph 0020, lines 1-7); a command sender (312 in figure 3) operable to send the command to the another information processor (100 in figure 3) (paragraph 0025, lines 5-19); and an image data receiver (102 in figure 3) operable to receive the still image data (temporal snapshots) from the another information processor (paragraph 0025, lines 5-19). Yeo further discloses a high performance serial bus (paragraph 0017, lines 3-5) and that the network can be any type of network connection between server and client (paragraph 0037, lines 1-3).

Yeo fails to explicitly disclose that the network is an IEEE 1394 network and that the generated command conforms to a 1394 specification.

In analogous art, Takeda discloses that the network is an IEEE 1394 serial bus (101 in figure 4a and column 4, line 51-53). Since the network connection can be any type of network including an IEEE 1394, the generated command conforms to a 1394 specification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yeo's system to include an IEEE 1394 serial bus as the network, as taught by Takeda, for the benefit of conforming to a standard for transferring digital video data.

Both Yeo and Takeda fail to disclose an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium.

In analogous art, Clemens discloses an extract command (capture command—column 10, lines 52-65), which conforms to a 1394 specification (column 4, line 64 – column 5, line 5) and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium (column 10, lines 52 – column 11, line 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Yeo and Takeda to include a an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium, as taught by Clemens, for the benefit of implementing a particular command sequence in capturing still and video images (column 4, line 64 – column 5, line 5 and column 10, lines 52 – column 11, line 38).

As for claim 2, it is met by the combination of Yeo, Takeda and Clemens. In particular, Yeo discloses that the first information processor (102 in figure 3) comprises a video frame specifier (308 in figure 3) operable to specify the specified video frame (system 308 selects from the presented segments of video source frames by

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responding to the user's request, i.e. 638 in figure 6b—paragraph 0025, lines 7-19 and paragraph 0028, lines 1-16), wherein the command (the request) includes information about the specified frame (the information of each frame that is specified by client control subsystem, 308 in figure 3, is inherently included within the request / command).

With regards to claim 3, it is met by the combination of Yeo, Takeda and Clemens. In particular, Yeo discloses that the video frame specifier specifies one or plural video frames (figures 6a and 6b and paragraph 0029, lines 1-17).

Considering claims 7 and 14, Yeo fails to disclose an output plug specification information for outputting the data to another processor.

In analogous art, Takeda discloses output plug specification information (oPCR—902 (not shown) for transmitting the specified processed data to the data reception processing apparatus—column 9, lines 55-59) operable to specify an output plug for outputting the still image data from the other information processor, wherein the command includes information about the output plug.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yeo's system to include an output plug specification

information, as taught by Takeda, for the benefit of transmitting specified processed data to the data reception processing apparatus (column 9, lines 55-59).

Considering claims 9 and 15, Yeo discloses a first information processor (100 in figure 3) connectable to a network (104 in figure 3) with another information processor (102 in figure 3), the first information processor comprising: a record medium (302 in figure 3) in which a video stream is recorded (movie—paragraph 0022, lines 1-4), a command receiver (100 in figure 3) operable to receive an object number select subfunction command from the another information processor (paragraph 0023, lines 8-15) requesting that a specified video frame (segments of a movie) from the video stream recorded in the record medium be extracted and generated (paragraph 0020, lines 1-7 and paragraph 0022, lines 1-8) that the video frame which has been extracted and generated be converted into still image data and that the still image data be sent (extracted temporal snapshots are sequence of images that inherently converted into still image data before transmission to client—paragraph 0020, lines 1-7); a video frame extractor and generator (300 in figure 3) operable to extract and generate the specified video frame from the record medium (302 in figure 3) based on the command received by the command receiver (100 in figure 3) (paragraph 0022, lines 1-15); an image data converter (300 in figure 3) operable to obtain still image data from the specified video frame extracted and generated by the video frame extractor and generator (paragraph 0022, lines 1-15); and an image data sender (100 in figure 3) operable to send the still image data to the another information processor (paragraph 0023, lines 15-18). Yeo

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further discloses a high performance serial bus (paragraph 0017, lines 3-5) and that the network **can be any type of network** connection between server and client (paragraph 0037, lines 1-3).

Yeo fails to explicitly disclose that the network is an IEEE 1394 network and that the received command conforms to a 1394 specification.

In analogous art, Takeda discloses that the network is an IEEE 1394 serial bus (101 in figure 4a and column 4, lines 51-53). Since the network connection can be any type of network including an IEEE 1394, the received command conforms to a 1394 specification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify, Yeo's system to include an IEEE 1394 serial bus as the network, as taught by Takeda, for the benefit of conforming to a standard for transferring digital video data.

Both Yeo and Takeda fail to disclose an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium.

In analogous art, Clemens discloses an extract command (capture command—column 10, lines 52-65), which conforms to a 1394 specification (column 4, line 64 –

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column 5, line 5) and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium (column 10, lines 52 – column 11, line 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Yeo and Takeda to include an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium, as taught by Clemens, for the benefit of implementing a particular command sequence in capturing still and video images (column 4, line 64 – column 5, line 5 and column 10, lines 52 – column 11, line 38).

As for claim 10, it is met by the combination of Yeo, Takeda and Clemens. In particular, Yeo discloses that the first information processor (102 in figure 3) comprises a video frame specifier (308 in figure 3) operable to specify the specified video frame (system 308 selects from the presented frames by responding to the user's request, i.e. 638 in figure 6b—paragraph 0025, lines 7-19 and paragraph 0028, lines 1-16), wherein the command (the request) includes information about the specified frame (the information of each frame that is specified by client control subsystem, 308 in figure 3, is inherently included within the request / command).

Considering claim 16, Yeo discloses a first information processor (102 in figure 3) connectable to a network (104 in figure 3) with another information processor (100 in

figure 3) having a record medium (302 in figure 3) recorded with a video stream (movie—paragraph 0022, lines 1-4), the first information processor comprising: a command generator (308 in figure 3) operable to generate an object number select subfunction command, which conforms to a standard (when a user sends a request, a command is inherently generated—paragraph 0023, lines 8-11 and paragraph 0038, lines 8-12) and which requests the another information processor to extract a specified plurality of video frames (segments of a movie) from the video stream recorded in the record medium (paragraph 0020, lines 1-7 and paragraph 0022, lines 1-8), to covert the video frame which has been extracted into still image data (extracted temporal snapshots are sequence of images that inherently converted into still image data before transmission to client—paragraph 0020, lines 1-7); a command sender (312 in figure 3) operable to send the command to the another information processor (100 in figure 3) (paragraph 0025, lines 5-19); and an image data receiver (102 in figure 3) operable to receive the still image data (temporal snapshots) from the another information processor (paragraph 0025, lines 5-19). Yeo further discloses a high performance serial bus (paragraph 0017, lines 3-5) and that the network can be any type of network connection between server and client (paragraph 0037, lines 1-3).

Yeo fails to explicitly disclose that the network is an IEEE 1394 network and that the generated command conforms to a 1394 specification.

In analogous art, Takeda discloses that the network is an IEEE 1394 serial bus (101 in figure 4a and column 4, line 51-53). Since the network connection can be any

type of network including an IEEE 1394, the generated command conforms to a 1394 specification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yeo's system to include an IEEE 1394 serial bus as the network, as taught by Takeda, for the benefit of conforming to a standard for transferring digital video data.

Both Yeo and Takeda fail to disclose an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium.

In analogous art, Clemens discloses an extract command (capture command—column 10, lines 52-65), which conforms to a 1394 specification (column 4, line 64 – column 5, line 5) and requests another processor to extract and produce a specified video frame of the video stream recorded in the record medium (column 10, lines 52 – column 11, line 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Yeo and Takeda to include an extract command, which conforms to a 1394 specification and requests another processor to extract and produce a specified video frame of the video stream recorded

in the record medium, as taught by Clemens, for the benefit of implementing a particular command sequence in capturing still and video images (column 4, line 64 – column 5, line 5 and column 10, lines 52 – column 11, line 38).

6. Claims 4, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo (US 2003/0088646) and Takeda (US 6,101,215) in view of Clemens (US 6,833,863), as applied to claims 1 and 9 above, and further in view of Nakaya (US 5,585,856).

Considering claim 4, Yeo, Takeda and Clemens disclose a method of previewing and playing back source video frames (movies).

Yeo, Takeda and Clemens fail to disclose an image format specifier.

In analogous art, Nakaya discloses an image format specifier (5 in figure 3) operable to specify an image format of the still image data, wherein the command includes information about the image format (column 8, lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Yeo, Takeda and Clemens to include an image format specifier, as taught by Nakaya, for the benefit of outputting a high quality image data without increasing the memory capacity (column 2, lines 6-14).

As for claim 11, it is rejected for the same reasons as discussed in claim 4.

As for claim 5, Yeo, Takeda and Clemens disclose a method of previewing and playing back source video frames (movies).

Yeo, Takeda and Clemens fail to disclose an image size specifier.

In analogous art, Nakaya discloses an image size specifier (13 in figure 46) lines operable to specify a size of the still image, wherein the command includes information about the size of the still image (column 24, lines 35-42).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Yeo, Takeda and Clemens to include an image size specifier, as taught by Nakaya, for the benefit of obtaining a natural picture with little distortion in the image (column 10, lines 12-18).

As for claim 12, it is rejected for the same reasons as discussed in claim 5.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

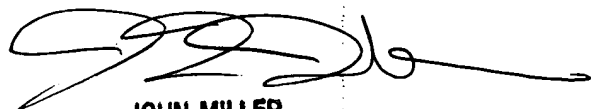
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6000.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal flourish extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600